

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RESIDENTIAL FUNDING CORP.,

CIVIL NO. 05-914 (JNE/JSM)

Plaintiff,

v.

ORDER

MOORE FINANCIAL
ENTERPRISES, INC.,

Defendant.

JANIE S. MAYERON, U.S. Magistrate Judge

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 9, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, it is HEREBY ORDERED that:

1. Defendant's Motion to Dismiss [Docket No. 5] is **DENIED**;
2. Summary Judgment is **GRANTED** in favor of defendant; and
3. That plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

Date: March 10, 2006

s/ Joan N. Ericksen

Joan N. Ericksen, Judge